

**Introduced by Senator Hayden**

December 7, 1998

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An act to add Sections 126.5, 126.7, 130.5, and 130.7 to the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), relating to the Metropolitan Water District of Southern California.

LEGISLATIVE COUNSEL'S DIGEST

SB 60, as introduced, Hayden. Metropolitan Water District of Southern California.

(1) The Metropolitan Water District Act authorizes the formation of metropolitan water districts and specifies the powers and purposes of a district.

This bill would require the Metropolitan Water District of Southern California to place increased emphasis on sustainable, environmentally sound, and cost-effective water conservation, recycling, and groundwater storage and replenishment measures, as prescribed, and, commencing February 1, 2001, to prepare and submit to the Legislature a prescribed annual report relating to water conservation. The bill would make related legislative findings and declarations.

The bill would require the district, in cooperation with specified entities, to participate in considering programs of groundwater recharge and replenishment, watershed management, habitat restoration, and environmentally compatible community development utilizing the resource potential of the Los Angeles River, the San Gabriel River, or other southern California rivers, including stormwater runoff from these rivers.

The bill would prohibit the district, and its member public agencies, from expending any public money for contracting with any private entity or person to undertake research or investigations with regard to the personal backgrounds or the statements of economic interest of, or the campaign contributions made to, elected officials who vote on public policies affecting the district, or advocacy groups or interested parties who may have matters pending before the board of the district or its member public agencies.

The bill would require the district to establish and operate an Office of Ethics and to adopt rules relating to internal disclosure, lobbying, conflicts of interest, contracts, campaign contributions, and ethics for application to its board members, officers, and employees, as prescribed. The rules would be required to address certain matters and would be required, for any association of individuals or entities that includes board members, officers, or employees of the district, or of a member public agency, which association is known by a name other than the Metropolitan Water District of Southern California or the name of a member public agency of the district, to prohibit any association structure or identification that is likely to mislead the public as to the association's true identity, its source of funding, or its purpose. The bill would require the office to adopt those rules for approval by the board of directors, to educate the board, staff, and contractors concerning those rules, and to investigate complaints concerning the violation of those rules. The bill would require the office to propose, and the board to adopt, a schedule of penalties for violations of those rules by board members, officers, staff, or contractors. The bill would prescribe related matters.

By imposing additional duties on the district, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.



Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 126.5 is added to the  
2 Metropolitan Water District Act (Chapter 209 of the  
3 Statutes of 1969), to read:

4 126.5. (a) The Metropolitan Water District of  
5 Southern California and its member public agencies may  
6 not expend any public money for contracting with any  
7 private entity or person to undertake research or  
8 investigations with regard to the personal backgrounds or  
9 the statements of economic interest of, or the campaign  
10 contributions made to, elected officials who vote on  
11 public policies affecting the Metropolitan Water District  
12 of Southern California, or advocacy groups or interested  
13 parties who may have matters pending before the board  
14 of the Metropolitan Water District of Southern California  
15 or its member public agencies.

16 (b) Nothing in this section prevents any board  
17 member, officer, or employee of the Metropolitan Water  
18 District of Southern California or of a member public  
19 agency of that district from exercising the right to obtain  
20 public records pursuant to Chapter 3.5 (commencing  
21 with Section 6250) of Division 7 of Title 1 of the  
22 Government Code.

23 SEC. 2. Section 126.7 is added to the Metropolitan  
24 Water District Act (Chapter 209 of the Statutes of 1969),  
25 to read:

26 126.7. (a) The Metropolitan Water District of  
27 Southern California shall establish and operate an Office  
28 of Ethics and adopt rules relating to internal disclosure,  
29 lobbying, conflicts of interest, contracts, campaign  
30 contributions, and ethics for application to its board  
31 members, officers, and employees consistent with the  
32 intent and spirit of the laws and regulations of the Los  
33 Angeles City Ethics Commission, the Fair Political  
34 Practices Commission, and the Los Angeles County  
35 Metropolitan Transportation Authority.

(b) The rules described in subdivision (a) shall address, and seek to avoid potential ethical abuses relating to, all of the following matters:

(1) The direct and indirect business relationships between board members, contractors, and vendors, and between board members and officers or employees of member public agencies.

(2) The solicitation of campaign contributions by board members, officers, or employees and the receipt of contributions from bidders, contractors, or subcontractors.

(3) Public notice and approval procedures for contracts of fifty thousand dollars (\$50,000) or more.

(c) (1) The office shall operate as an independent entity that is not subject to political influence and shall be staffed with professional, qualified persons.

(2) The office shall adopt the rules described in subdivision (a) for approval by the board, educate the board, staff, contractors, and subcontractors concerning those rules, and shall investigate complaints concerning the violation of those rules.

(3) The office shall adopt procedures for protecting the confidentiality of sources, the job security of “whistle blowers,” and the due process rights of the accused.

(d) Subject to paragraph (3) of subdivision (c), the office shall make available to the public the results of the investigations that it undertakes.

(e) The office shall propose, and the board shall adopt, a schedule of penalties for violations of the rules described in subdivision (a) by board members, officers, staff, or contractors.

(f) For any association of individuals or entities that includes board members, officers, or employees of the Metropolitan Water District of Southern California or of a member public agency of that district that is known by a name other than the Metropolitan Water District of Southern California or the name of a member public agency of the district, the rules of ethics shall prohibit any association structure or identification that is likely to

1 mislead the public as to the association's true identity, its  
2 source of funding, or its purpose.

3 (g) Nothing in this section prohibits the Metropolitan  
4 Water District of Southern California, a member public  
5 agency of that district, or a board member, officer, or  
6 employee of the Metropolitan Water District of Southern  
7 California or of a member public agency of the district,  
8 from participating in, or providing funding in a clearly  
9 identifiable way for, an association formed for the  
10 purpose of undertaking legitimate activities, including,  
11 but not limited to, advocating on behalf of that association  
12 before a local agency, the Legislature, or the United  
13 States Congress.

14 SEC. 3. Section 130.5 is added to the Metropolitan  
15 Water District Act (Chapter 209 of the Statutes of 1969),  
16 to read:

17 130.5. (a) The Legislature finds and declares all of  
18 the following:

19 (1) The Metropolitan Water District of Southern  
20 California reports that conservation provides 7 percent of  
21 its "water resource mix" for 1998, and conservation is  
22 projected to provide 13 percent of its total water  
23 resources by 2020. Conservation, water recycling, and  
24 groundwater recovery, combined, provide 12 percent of  
25 the district's total water resources for 1998 and those  
26 water resources are projected to increase to 25 percent of  
27 the district's total water resources by 2020.

28 (2) It is the intent of the Legislature that the  
29 Metropolitan Water District of Southern California  
30 expand water conservation, water recycling, and  
31 groundwater recovery efforts.

32 (b) The Metropolitan Water District of Southern  
33 California shall place increased emphasis on sustainable,  
34 environmentally sound, and cost-effective water  
35 conservation, recycling, and groundwater storage and  
36 replenishment measures.

37 (c) The Metropolitan Water District of Southern  
38 California shall hold an annual public hearing, which may  
39 be held during a regularly-scheduled meeting of the  
40 Board of Directors of the Metropolitan Water District of

1 Southern California, during which the district shall  
2 review its urban water management plan, adopted  
3 pursuant to Part 2.6 (commencing with Section 10610) of  
4 Division 6 of the Water Code, for adequacy in achieving  
5 an increased emphasis on cost-effective conservation,  
6 recycling, and groundwater recharge in accordance with  
7 this section. The Board of Directors of the Metropolitan  
8 Water District of Southern California may modify any  
9 ongoing program as necessary to meet that requirement,  
10 consistent with the district's urban water management  
11 plan.

12 (d) The district shall invite to the hearings  
13 knowledgeable persons from the fields of water  
14 conservation and sustainability, and shall consider factors  
15 of availability, water quality, regional self-sufficiency,  
16 benefits for species and environment, the totality of  
17 life-cycle costs, including avoided costs, and short- and  
18 long-term employment and economic benefits.

19 (e) On or before February 1, 2001, and on or before  
20 each February 1 thereafter, the Metropolitan Water  
21 District of Southern California shall prepare and submit  
22 to the Legislature a report on its progress in achieving the  
23 goals of increased emphasis on cost-effective  
24 conservation, recycling, and groundwater recharge in  
25 accordance with this section, and any recommendations  
26 for actions with regard to policy or budget matters to  
27 facilitate the achievement of those goals.

28 (f) Nothing in this section shall diminish the authority  
29 of the Metropolitan Water District of Southern California  
30 pursuant to Section 25 or any other provision of this act,  
31 or otherwise affect the purposes of the Metropolitan  
32 Water District of Southern California as described in  
33 existing law.

34 SEC. 4. Section 130.7 is added to the Metropolitan  
35 Water District Act (Chapter 209 of the Statutes of 1969),  
36 to read:

37 130.7. (a) The Metropolitan Water District of  
38 Southern California, in cooperation with the following  
39 entities, shall participate in considering programs of  
40 groundwater recharge and replenishment, watershed



1 management, habitat restoration, and environmentally  
2 compatible community development utilizing the  
3 resource potential of the Los Angeles River, the San  
4 Gabriel River, or other southern California rivers,  
5 including storm water runoff from these rivers:

6 (1) Member public agencies whose boundaries  
7 include any part of the Los Angeles River, the San Gabriel  
8 River, or any other river in southern California.

9 (2) The Water Replenishment District of Southern  
10 California.

11 (3) Local public water purveyors and other  
12 appropriate groundwater entities.

13 (4) The County of Los Angeles.

14 (5) The United States Army Corps of Engineers.

15 (b) Nothing in this section affects the powers and  
16 purposes of the Water Replenishment District of  
17 Southern California or any other groundwater  
18 management entity, the County of Los Angeles, local  
19 public water purveyors, or the United States Army Corps  
20 of Engineers.

21 SEC. 5. No reimbursement is required by this act  
22 pursuant to Section 6 of Article XIII B of the California  
23 Constitution because a local agency or school district has  
24 the authority to levy service charges, fees, or assessments  
25 sufficient to pay for the program or level of service  
26 mandated by this act, within the meaning of Section 17556  
27 of the Government Code.

28 Notwithstanding Section 17580 of the Government  
29 Code, unless otherwise specified, the provisions of this act  
30 shall become operative on the same date that the act  
31 takes effect pursuant to the California Constitution.